

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LE ROI JOHNSON,

No. C-07-0195 MMC

Plaintiff,

**ORDER DENYING PLAINTIFF'S MOTION
FOR EXTENSION OF TIME TO FILE
SEPARATE COMPLAINT; DENYING
REQUEST FOR RECONSIDERATION OF
DISMISSAL OF JUDGE BERGER**

v.

CONTRA COSTA COUNTY,

Defendant.

(Docket No. 9)

Before the Court is plaintiff's motion, filed January 30, 2007, for an extension of time to file a separate complaint against the El Cerrito defendants. Included in plaintiff's motion, although not set forth in the caption, is a separate request for reconsideration of the Court's dismissal of plaintiff's claims against the Honorable Peter Berger ("Judge Berger").

In an order filed January 22, 2007, the Court dismissed the claims asserted against the El Cerrito defendants due to improper joinder, without prejudice to plaintiff's asserting such claims in a separate action. The Court did not set a deadline by which plaintiff must file any separate action against the El Cerrito defendants. Accordingly, plaintiff's motion for an extension of time is hereby DENIED as moot.

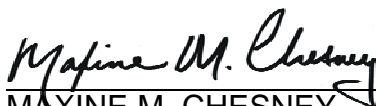
In a separate order filed January 22, 2007, the Court dismissed all claims against Judge Berger on the basis of judicial immunity. Plaintiff has set forth no basis for reconsideration of the Court's dismissal of the claims asserted against Judge Berger.

1 Accordingly, plaintiff's request for reconsideration thereof is hereby DENIED.

2 This order terminates Docket No. 9.

3 **IT IS SO ORDERED.**

4 Dated: January 31, 2007

5 
MAXINE M. CHESNEY
United States District Judge